

## Minutes

### **Board of County Commissioners Hyde County**

**January 4, 2010**

Vice-chairman Barry Swindell called the Regular meeting of the Hyde County Board of Commissioners to order at 6:30 PM on Monday, January 4, 2010 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Sharon Spencer, and Barry Swindell; County Attorney Sid Hassell; County Manager Carl Classen; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Gene Ballance; Deputy Clerk to the Board Jamie Tunnell; and members of the public. Chairman Davis was absent.

Following the pledge of allegiance and opening prayer by Commissioner Byrd the meeting was called to order.

#### **Agenda:**

Vice-chairman Swindell asked for any changes to the January 4, 2010 meeting Agenda as presented by the Clerk.

Commissioner Byrd moved to add Item III. C. – Ordinances and Resolutions – Resolution of Support – Hyde County Commercial Fishermen; and Item V. D. – Other Matters – Engelhard Airport – Contract Award and Item V. D. i. – Engelhard Airport – Transportation Improvement Plan (TIP). Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Chairman Davis.

#### **Consideration of Minutes:**

Vice-chairman Swindell asked for approval of meeting minutes.

Commissioner Spencer moved to approve the December 7, 2009 Regular Meeting minutes and the December 18, 2009 Commissioners Special Meeting minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Chairman Davis.

#### **Special Presentations:**

##### **FY2008-09 Audit – Andrew Harris, CPA**

Andrew Harris, CPA presented the FY2008-09 Hyde County Audit.

In summary, the FY2008-09 Audit shows General Fund revenues in excess of expenditures by \$7,901 but the General Fund Balance is decreased \$132,522 when the auditor found that a prior audit had recorded an extra sales tax collection. The resulting June 30, 2009 General Fund Balance is \$5,624,043 and an unreserved fund balance of \$4,853,734, which is 43.38% of FY2008-09 expenditures. (The LGC required amount is 8%.)

##### **Kindergarten School Supply Boxes – Lisa Woolard, Executive Director of Beaufort/Hyde Partnership for Children**

Lisa Woolard, Executive Director of Beaufort/Hyde Partnership for Children gave presentation on Kindergarten School Supply Boxes. Ms. Woolard reported *“this program began seven years ago as an intercession to a plea by kindergarten teachers who witnessed children sneaking their pencil boxes home in order to complete their homework. Children need tools to accomplish their work and these boxes were designed as toolkits for just that purpose.”*

Approximately 40 – 50 kindergarten students receive School Supply Boxes each year in Hyde County. Persons interested in contributing can contact Lisa Woolard at 252-975-4667, ext. 3 or by

mail at Beaufort/Hyde Partnership for Children, 979 Washington Square Mall, Washington, NC 27889.

#### **Unified Government – Sid Hassell, County Attorney**

County Attorney Sid Hassell defined Unified Government and reported that GS 105.116.1 requires the Department of Revenue to pay Unified Government Counties a 3.22% share of electrical and gas utilities sold in the State per year. Mr. Hassell estimates Hyde County would receive \$250,000 - \$300,000 which would go into the General Fund.

Mr. Hassell will research figures from the Department of Revenue for Camden County (comparable in size and population) and give report at the January 19, 2010 Board Meeting.

#### **Lakeview Subdivision – Dee Midgette-Gibbs and Eureka Smallwood-Carmon**

Residents Dee Midgette-Gibbs and Eureka D. Smallwood-Carmon petitioned the Board to form an assessment district to deal with the Lakeview Subdivision road.

After discussion, Ms. Gibbs was advised to have the landowners attend a public meeting where possible options to repair the road can be reviewed with County Manager Carl Classen.

#### **Swan Quarter Campground – Landing Road – Don Faulkner**

Don Faulkner reported that due to the current economic climate, property owners at Landing Road (SR 1136) on the site of the old Jarvis Restaurant have put their presently permitted condo project on hold for the short-term; and presented a narrative of plans to construct a temporary (2 – 4 year) campground on the property including 35 “long-term leases” camping sites for Travel Trailers or Recreational Vehicles.

County Planner/Developer Alice Keeney will assist Mr. Faulkner with his request for variance of the Hyde County Code of Ordinances: Article V. Specifications for Travel Trailer Parks – Section 24-95: (k). Mr. Faulkner’s request for variance will be considered at the January 19, 2010 Board meeting.

#### **Public Comments:**

Vice-chairman Swindell called for comments from the public.

Fred Westervelt, Ocracoke, requested a comparison of in-house solid waste collection and incineration of solid waste be done and presented at the next Board meeting.

Dell Allen Newman, Swan Quarter, requested support of the Board for Hyde County oystermen and asked that the Board participate in a Commercial Fishing Advisory Board to keep Commissioners abreast of commercial fishing issues.

There being no further comment from the public, Vice-chairman Swindell continued the meeting.

#### **Ordinances and Resolutions:**

##### **Resolution of Support – Albemarle RC&D**

Albemarle RC&D (Resource Conservation and Development) Council is a local non-profit tax exempt charity serving the Albemarle region which includes Hyde County. Since 1972 Albemarle RC&D has completed over 97 projects in Hyde County and is committed to continuing to serve its citizens.

Commissioner Byrd moved to adopt “Resolution of Support – Albemarle RC&D”. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Chairman Davis.

*CLERK’S NOTE: A copy of “Resolution of Support – Albemarle RC&D” is attached herewith as Exhibit A and incorporated herein by reference.*

### **Resolution Authorizing Alice Keeney to Sign Grant Reports**

Starting in 2010 the Division of Community Assistance, who administers the CDBG program for the State of North Carolina, is now requiring Quarterly Reports be submitted on all CDBG projects, due by the 10<sup>th</sup> of the month after the reporting period. Additionally, on all CDBG Recovery Projects, Monthly Reports are required, due by the 5<sup>th</sup> of every month.

Because of the time sensitive nature of these reports staff and the County's consultant are requesting the Board to allow Alice Keeney, County Planner to review and execute these reports and have them submitted in a timely fashion to alleviate any suspension of the drawdown of grant funds. This is especially necessary because the County does not operate these projects on a reimbursement basis.

Commissioner Byrd moved to adopt "Resolution Authorizing Alternate Signatory for CDBG Project Reporting to The North Carolina Division of Community Assistance" allowing Alice Keeney, County Planner to sign Monthly, and Quarterly Reports for CDBG projects, as necessary. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Chairman Davis.

*CLERK'S NOTE: A copy of "Resolution Authorizing Alternate Signatory for CDBG Project Reporting to The North Carolina Division of Community Assistance" is attached herewith as Exhibit B and incorporated herein by reference.*

### **Resolution of Support – Hyde County Commercial Fishermen**

Dell Allen Newman, Newman Seafood, asked the Board to adopt a Resolution of Support for Hyde County Fishermen.

Commissioner Swindell moved to send a letter of support to NC DMF Executive Director Louis B. Daniel, III; Governor Walter B. Jones; Senators Marc Basnight and A. B. Swindell; and, Representative Tim Spear; and to direct staff to develop "Resolution of Support – Hyde County Commercial Fishermen" for approval on January 19, 2010. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Chairman Davis.

### **Other Matters – Budget Amendments:**

County Manager Carl Classen reported to the Board that in accordance with the FY2009-10 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

- A. Department of Social Services: \$2,696 from Crisis Intervention line to DSS Administration line. No County funds are involved.
- B. Ocracoke Volunteer Fire Department: \$5,000 from Ocracoke Fire Department Donations line (received from The US Charitable Gift Trust) to Ocracoke Volunteer Fire Department. Funds will increase the budget.

Commissioner Spencer moved to approve budget amendments as presented by County Manager Carl Classen. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

### **Tax Department Pick-Ups and Releases:**

Tax Administrator Linda Basnight presented a list of tax bills recommended for release.

<u>Year</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
2009	Carawan, Colleen	\$ 32.24	Incorrect bldg. & lot mapping error
2009	Whitley, Jr. Charles T.	\$ 93.34	Incorrect acreage-not waterfront is woods/marsh

2009	Ebom, Annie	\$ 55.64	Cemetery on lot mapped incorrectly no buildable lot on front of property
2009	Broad Creek Properties, LLC	\$ 965.58	Billed as original acreage, subdivision acres not deducted
2009	Broad Creek Properties, LLC	\$ 439.50	Billed as original acreage, subdivision acres not deducted
2009	G E Capital Info. Tech. Sol.	\$ 27.11	2008 disposed of property not removed from 2009 billing
2009	Gibbs, F. G. Jr.	\$ 6.24	Oyster bed reclaimed by State
2009	Gibbs, F. G. Jr. & Henry Lane	\$ 6.24	Oyster bed reclaimed by State
2009	Gibbs, Steven Barry	\$ 52.47	Tax Pro-rated Cr totaled in wreck, plates turned in
2009	Clayton, Edsel J.	\$ 361.91	Did not own—Double listed
2009	Miller, Catherine M.	\$ 93.37	No ch/car on concrete slab or wood deck
2009	Newman, Robert W.	\$ 329.81	Sq Ft on cupola should be 9 Sq. Ft. not 906 Sq. Ft.
2009	Farrow, Marilyn	\$ 21.88	Old house of no value should have been removed
2009	Midyette, David Pell	\$ 7.80	Bill of sale shows cost of vehicle \$ 2,500 not \$ 4,000
	<b>TOTAL</b>	<b>\$ 2,493.13</b>	

Commissioner Byrd moved to approve tax releases as presented by Tax Administrator Linda Basnight. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

#### **Social Services Department – Child Support Enforcement Options**

As part of the FY2009-10 State Budget, the State's regional Child Support Enforcement (CSE) offices would be closed June 30, 2010 and those duties would be transferred to the counties.

Counties were given until January 1, 2010 to develop an alternative plan but that date was considered flexible so long as the State saw that counties were moving towards a resolution of the issue. CSE services for Hyde County are presently handled through the State regional office in Manteo, which also services Currituck, Dare and Tyrell counties.

Throughout the fall 2009, the Hyde County Social Services Director and County Manager have worked together and with the county managers and social services directors from throughout the region on alternatives. Hyde County has only about 250 CSE cases on file in any year and about 3,000 cases are needed to provide for a cost-effective CSE office. Thus, ranked in order of the DSS Director's and County Manager's recommendations, the three viable options for Hyde County are:

- A. Join with Washington County DSS, which provides CSE services in-house. This option requires the participation of both Hyde and Tyrrell counties. Staff would be provided on-site in each of Hyde and Tyrrell counties two days per month, plus on court day(s). The cost to Hyde County is approximately \$18,000 annually, all of which is expected (according to State DHHS staff) to be recoverable through current federal incentives and cost allocation recovery from the State and federal governments.
- B. Regional private contract. Join with ten other northeastern North Carolina counties in a regional contract with a private provider. Following a public RFP and review by the county managers, the top two providers selected for interviews were PSI and Young Williams. The net cost to Hyde County after incentives under each contract was approximately \$9,000. Little or no cost allocation recovery is expected. The County would need to provide office space for the selected vendor's personnel and that space might be coverable. Interviews with each firm are scheduled for Friday, January 6, in Elizabeth City.

- C. Join with Beaufort County in its private contract. This option requires the participation of both Hyde and Tyrrell counties. Staff support would be provided at Beaufort County's Washington DSS office but staff would be in Hyde County on court day(s). The cost to Hyde County is approximately \$40,000 annually, likely half of which is recoverable through current incentives and cost allocation recovery from the State and federal governments.

Commissioner Byrd moved to approve the ranking of the options as recommended by the DSS Director and County Manager; and direct the County Manager to work with the DSS Director and the County Attorney to develop an intergovernmental agreement and/or other agreements for Child Support Services (CSE) with Washington and Tyrrell counties for subsequent Board approval (Option A). Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

#### **Contract Award – Engelhard Airport Terminal Renovation Project**

On December 11, 2009, the County opened a second round of bids for a contract to renovate the terminal at the Engelhard Airport. Below is a summary of the bids:

<b><u>Bidder</u></b>	<b><u>Amount</u></b>
<b>Turn Key Construction</b>	<b>\$148,806</b>
<b>A.R. Chesson</b>	<b>\$ 98,800</b>
<b>Waldt Construction</b>	<b>\$ 96,300</b>
<b>Ocean Builders</b>	<b>\$ 94,700</b>

Architects Cahoon & Kasten recommend the County proceed with the low bidder, Ocean Builders, LLC.

On October 23, 2009 the original bids were opened for the Terminal Renovation Project and the bids were substantially over the construction estimate. At that time, NCDOT Division of Aviation asked for the project to be re-bid. The original October 23 bids were:

<b><u>Bidder</u></b>	<b><u>Base Bid</u></b>
<b>A.R. Chesson Construction</b>	<b>\$109,200</b>
<b>Ocean Builders, LLC</b>	<b>\$110,000</b>

The reduction in the bids is due to higher competition and a change in the scope of work, principally site work.

The NCDOT Division of Aviation is funding 90% of the Project and their concurrence is required. The total terminal improvement estimated cost is \$145,000 (including the well upgrade and contingencies). The FY2009-10 Budget for Airport Improvements is \$186,667, of which \$25,322 has already been expended for completion of the fence project, leaving a net of \$161,345.

Commissioner Spencer moved to accept bid tab contingent upon approval from the NCDOT; authorize the County Manager to sign and execute a construction contract with Ocean Builders; and, to sign and execute all documents necessary for completion of the Terminal Renovation project. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

#### **Engelhard Airport – Transportation Improvement Plan (TIP)**

Each year, the County must update the Transportation Improvement Plan (TIP) for the Hyde County Airport at Engelhard (Engelhard Airport). The proposed TIP prepared by Talbert & Bright, the County's longtime engineers for the Engelhard Airport, is based upon past discussions of the Board and the Engelhard Airport Advisory Committee. County staff, with help and urging from the NCDOT Division of Aviation, will be working with the Engelhard Airport Advisory Board this winter and spring on a long-term development plan for the airport. From this, a revised TIP will be developed. The goal is to have projects that fit into an updated long-term plan for the airport as it serves the Engelhard community, mainland Hyde County, and the region.

Commissioner Byrd moved to approve the proposed 2011-15 Transportation Improvement Plan (TIP) for the Hyde County Airport at Engelhard and authorize its execution. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

**County Commissioners Reports:**

Commissioner Ballance complimented the Ocracoke Solid Waste Facility staff for being open during the holiday season; thanked Swan Quarter fishermen for providing oysters for roasting; and reported that with assistance from The Golden Leaf Foundation shallow oyster planting will be done in the future.

Commissioner Byrd asked Tax Assessor Linda Basnight if taxes are being paid on the Gull Rock property (Wysocking Wildlife Sanctuary) owned by Carl Pace. Ms. Basnight reported that Mr. Pace is paying taxes on the property and confirmed that the property might qualify for conservation easement tax rates.

Commissioner Spencer reported that she and Commissioners Davis and Swindell participated in the Engelhard Christmas Parade.

Commissioner Swindell reported he attended the Health Board Meeting and complimented Health Director Wesley Smith for a job well done.

No other Board or Committee reports were offered so Mr. Swindell continued with the Agenda.

**Engelhard EMS Station – Emergency Services Director Mark O’Mara**

Emergency Services Director Mark O’Mara presented three options for adding a second mainland station at Engelhard, which include:

- 1) To have EMT-I level staffing at a station in Engelhard and at the Mattamuskeet station the County would need to hire 8 personnel 4 would need to be EMT-I level (based on a 24 on 72 off schedule). This station might be housed at the old Engelhard Medical Center with a small amount of upgrading to the building, or a new building could be built to houses the station.

With this option the Paramedic would continue to respond in the Quick Response Vehicle (QRV) from Mattamuskeet EMS station with the EMS crew from the Engelhard Station, which would cut down on the response time to calls in Engelhard and the surrounding area. The Paramedic would evaluate the patient for Paramedic level care. If the patient needed Paramedic level care the Paramedic would continue the care to the hospital. If the patient did not need Paramedic level care, patient care would be turned over to the EMT-I for transport. This option would leave one EMT-I level staffed ambulance in the County ready to respond to another call if needed.

- 4 EMT-I for one budget year ..... \$149,172
- 4 EMT for one budget year ..... \$139,056
- Upgrade the cardiac monitor .....\$ 23,000
- Cost of replacing an ambulance .....\$ 28,400 (per year)
- Upgrade to old Engelhard Medical Center .....Unknown
- Building new station ..... Appox. \$300,000

- 2) To have EMT-I level at both Engelhard Station and Mattamuskeet Station, using the staff we have now, the County would need to hire 4 more personnel with 2 at EMT-I level. This option would give us 2 EMT-I level ambulances on Mainland Hyde County (based on a 24 on 48 off schedule). This would increase overtime.

- 2 EMT-I for one budget year ..... \$ 74,586
- 2 EMT for one budget year ..... \$ 69,528

- Upgrade cardiac monitors ..... \$ 23,000
- Cost of Ambulance replacement ..... \$ 28,400
- Upgrading old Medical Center ..... Unknown
- Building new station ..... Appox. \$300,000

Estimated overtime \$156,000

- 3) To add another Paramedic ambulance to a station in Engelhard, the County would need 4 more Paramedics. The County would have to add the equipment for another Paramedic Ambulance. This would include one 12-lead cardiac monitor and a Paramedic Drug Bag.

- 4 Paramedics for one budget year ..... \$160,172
- 12-lead cardiac monitor ..... \$ 23,000
- Paramedic Drug bag ..... \$ 1,500
- Cost of Ambulance replacement ..... \$ 28,400
- Upgrading old Medical Center ..... Unknown
- Building new station ..... Appox. \$300,000

By adding these Paramedics it would put 2 Paramedic ambulances on Mainland Hyde County (based on a 24 on 72 off schedule to cut back on overtime).

Estimated overtime \$126,00

Mr. O'Mara further reported that all of our cardiac monitors need to be upgraded. We can upgrade all of our monitors to 12-lead monitors by leasing them. By upgrading all of our monitors at the same time EMS personnel on any unit in our fleet would know how to operate the monitor quickly. He would like to replace our current 3-lead Automatic External Defibrillator (AED) monitors with the 12-lead Philips HeartStart MRx. This piece of equipment would replace two pieces of equipment, the 3-lead AEDs we now have and the Propack. The MRx has the ability to take vital signs (i.e. B/P pulse ox and EtCO2).

The Philips HeartStart MRx cost \$23,936 with a maintenance agreement. We can lease 8 of these monitors for \$41,305 per year for 5 years. These monitors have a 7 to 10 life span. At the end of our lease term we can buy the monitors at fair market value or upgrade to newer equipment.

After discussion, Mr. O'Mara was asked to continue research for the proposed Engelhard EMS Station; determine costs associated with upgrading the old Engelhard Medical Center; include an estimate for an EMS Station for the west end of the County; and to give update on his research at the January 19, 2010 Board Meeting.

#### **County Manager's Report:**

County Manager Carl Classen will contact Fred Westervelt to discuss options for solid waste incineration.

County Manager Carl Classen reported on various projects underway in the County; and other issues, including: Hyde County Website Newsletter will be available next week; Mattamuskeet Lodge Sewer Project is moving forward; Swan Quarter Dike Project is progressing; and, Hyde County is working with Outer Banks Hotline pulling together a service needs report to bring the program into the County.

There being no further matters to come before the Commissioners, Mr. Swindell continued the meeting.

#### **Closed Session**

Commissioner Byrd moved to enter closed session in accordance with NCGS 143-318.11(a)(3) – Consultation with Legal Counsel; and, with NCGS 143-318.11(a)(5) Acquisition of Property. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Davis.

The Commissioners entered closed session at 9:15 P.M.

Commissioner Byrd moved to return from Closed Session. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Davis.

The Commissioners re-entered regular session at 9:25 P.M.

Commissioner Byrd moved to pay \$50,000 to Community Developers of Beaufort-Hyde, Inc. (CDBH) for 5.01 acres at Mattamuskeet EMS Station. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

Commissioner Swindell moved to pay \$5,000 to Eleanor Swindell Heirs for a 30' Right-of-Way along the already existing Right-of-Way for Swan Quarter Dike – Phase XIII. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

Commissioner Swindell moved to pay \$3,500 to Jeffrey and Jennifer Gibbs for Right-of-Way 2.0 acres for Swan Quarter Dike – Phase XIII. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

Commissioner Swindell moved to pay up to \$1,667 to Celia Cahoon for Right-of-Way approximately 0.32 acres at \$5,000 per acre for Swan Quarter Dike – Phase XIII. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell. Nays – None; Absent or Not Voting – Davis.

Commissioner Byrd moved to adjourn the meeting. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – None; Absent or Not Voting – Davis.

The meeting adjourned at 9:30 PM.

Respectfully submitted:

Minutes approved on the 19<sup>th</sup> day of January, 2010.

  
Lois Stotesberry, Clerk - Hyde County Board of Commissioners

  
Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – “Resolution of Support – Albemarle RC&D”

Exhibit B – “Resolution Authorizing Alternate Signatory for CDBG Project Reporting to  
The North Carolina Division of Community Assistance”